IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:
THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :8282 of 2004

DATED:30.07.2007.

Between:
The Commissioner of Labour, A.P. Tanguturi Anjaiah Karmika Bhavan, Hyderabad & another

.....PETITIONERS

AND

Abdul Waheed

.....RESPONDENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:8282 OF 2004

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This writ petition is filed by the petitioners seeking to call for the records pertaining to the order dated 19.9.2003 passed in O.A.No:5037 of 1996 by the A.P. Administrative Tribunal and set aside the same as unjust.

The status of the parties will hereinafter be referred to as arrayed before the tribunal.

The respondent is the applicant before the Tribunal. Originally, the applicant has filed O.A., seeking to declare the action of the respondents in not preparing a combined seniority list of senior assistants/senior stenographers of Labour Department belonging to Zone V as arbitrary and to direct the respondents to prepare a combined seniority list of senior assistants/senior stenographers of Labour Department of Zone V by taking into consideration the date of regular appointment to the respective post and to direct the respondents to review all the promotions made to the post of Assistant Labour Officer in Zone V and confer all the consequential benefits to the applicant including the assignment of date of promotion as Assistant labour officer.

On a consideration of the rival contentions raised on either side, the tribunal has disposed of the O.A. with an observation that it appears that after filing the present O.A., a combined seniority list

was issued and the representations submitted to the Government by some of the senior stenos to prescribe a ratio between the senior assistants/senior stenos, were rejected by the Government and G.O.Ms.No:14, dated 26.11.1994 is sought to be implemented in toto where a separate roster point prescribed for senior stenographers is taken away and it was also mentioned therein that the senior stenographers have to be shown along with senior assistants in a common seniority and the position in the common seniority shall an eligibility criteria for consideration for promotion to the Assistant Labour Officer and subsequently a problem cropped up on account of a judgment of the Apex Court in M.J.Ghanulu Vs. State of A.P. (2002 SC 77) wherein it is held that giving posts of labour officers to the persons coming from head office and commissionarate is illegal since no such transfers can be affected from one cadre to other and so by virtue of this judgment, now a review is required to be made to the combined seniority list prepared after issuance of G.O.Ms.No:14, dated 26.11.1994 and so, if the persons, who were promoted basing on the combined seniority list already prepared, are eliminated from the posts of Assistant Labour Officers, necessarily some reconsideration is required in giving promotions in the promotee quota and if the applicant comes within the zone of consideration as per G.O.Ms.No:72, Labour, Employment, Nutrition and Technical Education (Lab.IV) Department, dated 25.2.1986, the case of the applicant should be considered in the five slots out of 50 which were reserved to the stenos at that time and he should be given promotion as Assistant Labour Officer and in case the applicant does not come within the zone of consideration in the combined seniority list, his name has to be modified as per the above observations and necessary action should be done within a period of three months from today and that if already, the applicant was promoted as Assistant Labour Officer, his seniority should be fixed as per the above directions and if he comes up for consideration for promotion earlier

to the actual date of promotion from that date, notional benefits should be given up to the date of actual promotion as Assistant Labour Officer.

Having aggrieved by the same, the respondents have preferred the present writ petition.

Heard the learned counsel and perused the entire material available on record as well as the order impugned.

In the present peculiar facts and circumstances of the case and in the interest of the employees at large in the Labour Department and in the light of the principles laid down by the Apex Court in the above decision, We feel that the observation of the tribunal as to the requirement of necessary changes on the ground that as if the applicant has come under the purview of zone of consideration, cannot be sustained. However, without expressing any opinion on the merits of the case, We deem it appropriate to modify the order of the tribunal as under:

"The case of the applicant shall be considered to the post of the Assistant Labour Officer falling under Zone-V on the basis of the revised seniority list, if he is otherwise eligible."

Subject to the above modification of the order of the tribunal, the present writ petition is disposed of. No order as to costs.

(JUSTICE T.MEENAKUMARI)

Date:30th July, 2007

(JUSTICE G.CHANDRAIAH)

gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:8282 of 2004

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

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30th July, 2007.